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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,305	09/27/2004	Christopher Stephens	21854-00048-US	5419
30678	7590	08/19/2005		
CONNOLLY BOVE LODGE & HUTZ LLP SUITE 800 1990 M STREET NW WASHINGTON, DC 20036-3425				
			EXAMINER FRIEDHOFER, MICHAEL A	
			ART UNIT 2832	PAPER NUMBER

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

**Office Action Summary**

Application No.

10/509,305

Applicant(s)

STEPHENS, CHRISTOPHER

Examiner

Michael A. Friedhofer

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/27/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 3 replace "each switch array" with --each of the switch arrays--.

In claim 1, line 7 it is unclear whether this switch unit is related to the ones previously claimed or is a separate and distinct switch unit.

In claim 2, line 5 "the covers" has no antecedent basis.

In claim 2, line 6 "the number" has no antecedent basis.

In claim 2, line 6 it is unclear whether this fixed unit is related to the one previously claimed.

In claim 2, line 7 replace "actuation" with --active--.

In claim 3, line 2 "the front" and "the back" have no antecedent basis.

In claim 5, line 8 "its face surface" has no antecedent basis.

In claim 5, line 9 replace "panel switch" with --switch panel--.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 2-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Paratore et al.

Paratore et al discloses in figures 1-4 a panel switch 10 including a fixed unit capable of carrying a multiple n of active switches and a replaceable cover 12 for the fixed unit able to carry up to n active contact closure positions. Alternative covers may be utilized in which each cover may only carry as many active positions as is desired so that the number of active switches on the fixed unit and the number of actuation positions can be changed by changing the cover. The cover carries icons or contact positions on the front and switch actuation means 27 on the back corresponding to the icons. The switches 20 may be either a touch panel or a plurality of tactile switches.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paratore et al in view of Severson.

Paratore et al discloses all of the claimed limitations with the exception of the switch panel being for the operation of appliances.

Severson teach a control panel in which the covers 30 are interchangeable and usable for various appliances.

It would have been obvious to one of ordinary skill in the art to apply the teachings of Severson to Paratore et al to utilize the switch panel for operating various appliances because this would not alter the operation, function, or structure of the keypad other than the general devices to operated by the switches and the type of indicia utilized. As for the switches being capacitive or charge transfer switches, this is a matter of engineering design choice not affecting the operation, function, or purpose of the multiple interchangeable covers in which capacitive switches are well known to be utilized in touch panels. As for the switch array being utilized in an automation system, this is a matter of engineering design choice not affecting the operation, function, or structure of the switch array or switch unit it being well known that multiplicity of parts are well known and the purpose to which it is utilized would not be altered by the system in which it is being operated.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paratore et al in view of Hodsdon et al.

Paratore et al discloses all of the claimed limitations with the exception of switch actuation electrodes corresponding the icons being located on the back of the cover.

Hodsdon et al teaches a switch panel in which the cover 16 forms a keypad having icons corresponding to the appliances to be actuated by

the switches and switch actuation electrodes<sup>48</sup> corresponding to the icons.

It would have been obvious to one of ordinary skill in the art to apply the teachings of Paratore et al to Hodsdon et al to place the switch actuation electrodes on the back of the cover because would not alter the purpose of providing alternate covers for making a more universal switch structure alterable by the cover to be utilized with the number of switches is alterable by the alteration of the cover while placing the electrodes on the cover reduces the number of parts necessary to produce the switch panel.

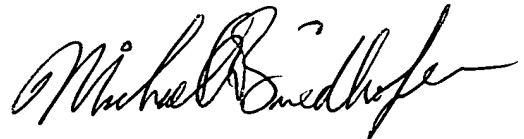
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wakefield, Yoon et al, Kobayashi, Kato et al, and Lam et al teach various switch panel structures having either interchangeable covers or interchangeable keys to provide a universal key pad assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Friedhofer whose telephone number is 571-272-1992. The examiner can normally be reached on Mon-Fri 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Michael A. Friedhofer", with a stylized flourish at the end.

Michael A. Friedhofer  
Primary Examiner  
Art Unit 2832

maf